

Senate Study Bill 1104

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON ZIEMAN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to certain alternative forms of county and city
2 government by providing for county redistricting and
3 representation, charter commission administration, application
4 of various statutory requirements, the manner in which a
5 charter may be proposed and adopted, amendment of a charter,
6 the organization of the governing body, and inclusions in a
7 charter, making technical changes relating to the
8 administration and authority of a city=county consolidated
9 government and a community commonwealth, and including
10 effective and applicability date provisions.
11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
12 TLSB 1725SC 80
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1 1 Section 1. Section 331.210A, subsection 2, Code 2003, is
2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. f. (1) Notwithstanding the provisions of
1 4 this section to the contrary, for a county with a population
1 5 of one hundred eighty thousand or more that has adopted a
1 6 charter for a city=county consolidated form of government or a
1 7 community commonwealth form of government and which charter
1 8 provides for representation by districts, the legislative
1 9 service bureau, and not the temporary county redistricting
1 10 commission, shall draw a first or second plan as necessary and
1 11 required by paragraph "a" pursuant to a contract executed with
1 12 the county. The plan drawn by the legislative service bureau
1 13 shall be based upon the precinct plan adopted for use by the
1 14 county and shall be drawn in accordance with section 42.4, to
1 15 the extent applicable.
1 16 (2) The plan drawn by the legislative service bureau shall
1 17 be submitted to the temporary county redistricting commission
1 18 which shall not amend the plan and which shall perform the
1 19 duties required by paragraphs "b" and "c" concerning the plan.
1 20 The temporary county redistricting commission shall accept the
1 21 plan in total or it may request and contract to have a second
1 22 plan prepared by the legislative service bureau. In doing so,
1 23 the temporary county redistricting commission shall state its
1 24 objections to the first plan in writing.
1 25 (3) After the requirements of paragraphs "b" and "c" have
1 26 been met with respect to either a first or second plan, the
1 27 plan drawn by the legislative service bureau and accepted by
1 28 the temporary county redistricting commission shall be
1 29 submitted to the governing body for its approval or rejection.
1 30 If the plan drawn by the legislative service bureau and
1 31 accepted by the temporary county redistricting commission is
1 32 rejected by the governing body, the governing body may
1 33 consider and accept the other plan submitted by the
1 34 legislative service bureau to the temporary county
1 35 redistricting commission, if any, or shall direct the
2 1 temporary county redistricting commission to prepare another
2 2 plan as provided by paragraph "d".
2 3 Sec. 2. Section 331.231, subsection 5, Code 2003, is
2 4 amended to read as follows:
2 5 5. City=county consolidated form as provided in ~~section~~
2 6 ~~sections~~ 331.247 ~~through~~ 331.252.
2 7 Sec. 3. Section 331.232, subsection 3, Code 2003, is
2 8 amended to read as follows:
2 9 3. An alternative form of county government shall be
2 10 submitted to the ~~county~~ electorate by the commission in the
2 11 form of a charter or charter amendment.
2 12 Sec. 4. Section 331.235, subsection 4, Code 2003, is
2 13 amended to read as follows:
2 14 4. The commission is dissolved on the date of the ~~general~~

2 15 election at which the proposed charter is submitted to the
2 16 electorate. However, if a charter proposing the city=county
2 17 consolidated form or the community commonwealth form is
2 18 adopted, the commission is dissolved on the date that the
2 19 terms of office of the members of the governing body for the
2 20 alternative form of government commence. If a charter is not
2 21 recommended, the commission is dissolved upon submission of
2 22 its final report to the board.

2 23 Sec. 5. Section 331.237, Code 2003, is amended by adding
2 24 the following new subsection:

2 25 NEW SUBSECTION. 4. This section does not apply to the
2 26 city=county consolidated form of government or the community
2 27 commonwealth form of government.

2 28 Sec. 6. Section 331.238, Code 2003, is amended by adding
2 29 the following new subsection:

2 30 NEW SUBSECTION. 4. Subsections 1 and 2 do not apply to
2 31 the city=county consolidated form of government or the
2 32 community commonwealth form of government.

2 33 Sec. 7. Section 331.244, subsection 1, Code 2003, is
2 34 amended by adding the following new subsection:

2 35 NEW SUBSECTION. 3. This section does not apply to the
3 1 city=county consolidated form of government.

3 2 Sec. 8. Section 331.247, Code 2003, is amended to read as
3 3 follows:

3 4 331.247 CITY=COUNTY CONSOLIDATION FORM.

3 5 1. ~~A county and one or more cities within the county may~~
3 6 ~~unite to form a single unit of local government in accordance~~
3 7 ~~with this part. A commission appointed pursuant to section~~
3 8 ~~331.233A may propose a charter under which a county and one or~~
3 9 ~~more cities within the county may unite to form a single unit~~
3 10 ~~of local government, or may propose a charter under which a~~
3 11 ~~county and one or more cities within the county may form a~~
3 12 ~~combined governance structure for the county and such cities~~
3 13 ~~in accordance with this part. The charter shall declare~~
3 14 ~~whether the form is a merger of a county and one or more~~
3 15 ~~cities to form a single unit of local government or whether~~
3 16 ~~the form establishes a combined government structure of a~~
3 17 ~~county and one or more cities. Either option proposed shall~~
3 18 ~~be referred to as a city=county consolidated form of~~
3 19 ~~government. If more than fifty percent of the population of a~~
3 20 ~~city resides within the affected county, it is a city within~~
3 21 ~~the county for the purposes of this section and may continue~~
3 22 ~~its status as a city within the county even if the population~~
3 23 ~~of such city falls below the fifty percent threshold in a~~
3 24 ~~future census.~~

3 25 2. ~~An alternative form of government, including a charter~~
3 26 ~~form, for a consolidated unit of government may be submitted~~
3 27 ~~to the voters only by a commission established under this~~
3 28 ~~chapter. A majority vote by the charter commission is~~
3 29 ~~required for the submission to the electorate of an~~
3 30 ~~alternative form of government for a consolidated unit of~~
3 31 ~~local government a proposed charter for a city=county~~
3 32 ~~consolidated form of government. The charter commission~~
3 33 ~~submitting a consolidated form shall issue a final report and~~
3 34 ~~proposal.~~

3 35 3. ~~An alternative form of government for a A city=county~~
4 1 ~~consolidated unit of local government form of government does~~
4 2 ~~not need to include more than one city. A city shall not be~~
4 3 ~~included unless the city participates in the commission~~
4 4 ~~process, and a majority of the electors of the affected city~~
4 5 ~~voting approves the proposed charter for the consolidated~~
4 6 ~~government.~~

4 7 4. If an alternative form of government for a consolidated
4 8 unit of local government is proposed, approval of the
4 9 consolidation charter shall be a separate ballot issue from
4 10 approval of the alternative form of government in those cities
4 11 proposed to be included in the consolidation. Adoption of the
4 12 consolidation charter requires the approval of a majority of
4 13 the votes cast in the entire county. A city named on the
4 14 ballot is included in the consolidation if the proposed
4 15 charter is approved by a majority of the votes cast in the
4 16 city. The consolidation charter shall be effective in regard
4 17 to a city government only if a majority of the voters of the
4 18 city voting on the question voted for participation in the
4 19 consolidation charter.

4 20 5. A city may request to join an existing city=county
4 21 consolidated government by resolution of the city council or
4 22 upon petition of eligible electors of the city equal in number
4 23 to at least twenty-five percent of the persons who voted at
4 24 the last general election for the office of governor or
4 25 president of the United States, whichever is fewer regular

4 26 city election. Within fifteen days after receiving a valid
4 27 petition, the city council of the petitioning city shall adopt
4 28 a resolution in favor of participation and shall ~~immediately,~~
4 29 ~~within ten days of adoption,~~ forward the resolution to the
4 30 ~~legislative governing~~ body of the city=county consolidated
4 31 government. If a majority of the ~~city=county consolidated~~
4 32 ~~legislative governing~~ body of the city=county consolidated
4 33 government approves the resolution, the question of joining
4 34 the city=county consolidated government shall be submitted to
4 35 the electorate of the petitioning city within sixty days after
5 1 approval of the resolution.

5 2 6. a. If a charter is adopted, it may be amended at any
5 3 time by one of the following methods:

5 4 (1) The governing body of the city=county consolidated
5 5 form of government, by resolution, may submit a proposed
5 6 amendment to the voters at a general election or at a special
5 7 election, and the proposed amendment becomes effective upon
5 8 approval by a majority of those voting.

5 9 (2) The governing body of the city=county consolidated
5 10 form of government, by ordinance, may amend the charter.
5 11 However, within thirty days following publication of the
5 12 ordinance, if a petition valid under the provisions of section
5 13 331.306 is filed with the governing body of the city=county
5 14 consolidated form of government, the governing body must
5 15 submit the charter amendment to the voters at a special
5 16 election and, in such an event, the amendment becomes
5 17 effective only upon approval of a majority of those voting
5 18 within the city=county consolidated area.

5 19 (3) If a petition valid under the provisions of section
5 20 331.306 filed with the governing body of the city=county
5 21 consolidated form of government, proposing an amendment to the
5 22 charter, the governing body must submit the proposed amendment
5 23 to the voters at a general election or at a special election
5 24 and, in such an event, the amendment becomes effective only
5 25 upon approval of a majority of those voting within the city=
5 26 county consolidated area.

5 27 b. If an election is held, the governing body shall submit
5 28 the question of amending the charter to the electors in
5 29 substantially the following form:

5 30 Should the amendment described below be adopted for the
5 31 city=county consolidated charter of (insert name of county and
5 32 of each consolidated city)?

5 33 The ballot must contain a brief description and summary of
5 34 the proposed amendment.

5 35 c. An amendment shall not adopt an alternative form of
6 1 county government but an amendment may allow the governing
6 2 body of a city=county consolidated form of government that has
6 3 a combined governance structure to adopt a city=county
6 4 consolidated form of government under which a county and one
6 5 or more cities within the county unite to form a single unit
6 6 of local government.

6 7 Sec. 9. Section 331.248, subsection 1, Code 2003, is
6 8 amended to read as follows:

6 9 1. The charter commission proposing ~~consolidation a city=~~
6 10 ~~county consolidated form of government~~ shall prepare, adopt,
6 11 and ~~submit cause to be submitted to the voters a consolidation~~
6 12 ~~the charter including an alternative form of government.~~

6 13 Sec. 10. Section 331.248, subsection 2, Code 2003, is
6 14 amended to read as follows:

6 15 2. The ~~consolidation~~ charter for a city=county
6 16 ~~consolidated form of government~~ shall:

6 17 a. Provide for adjustment of existing bonded indebtedness
6 18 and other obligations in a manner which will provide for a
6 19 fair and equitable burden of taxation for debt service.

6 20 b. Provide for establishment of service areas, except that
6 21 formation of a city=county ~~consolidation government~~
6 22 ~~consolidated form of government~~ shall not affect the
6 23 assignment of electric utility service territories pursuant to
6 24 chapter 476, and shall not affect the rights of a city to
6 25 grant a franchise under chapter 364.

6 26 c. Provide for the transfer or other disposition of
6 27 property and other rights, claims, assets, and franchises of
6 28 ~~local governments~~ the county and each city consolidated under
6 29 the alternative form.

6 30 d. Provide the official name of the city=county
6 31 consolidated ~~unit of local government~~ form of government.

6 32 e. Provide for the transfer, reorganization, abolition,
6 33 absorption, and adjustment of boundaries of all existing
6 34 boards, bureaus, commissions, agencies, special districts, and
6 35 political subdivisions of the city=county consolidated form of
7 1 government.

7 2 f. ~~Include other provisions which the county charter~~
7 3 ~~commission and the city charter commission elect to include~~
7 4 ~~and which are not inconsistent with state law. Provide for~~
7 5 ~~the exercise of home rule power and authority not inconsistent~~
7 6 ~~with state law.~~

7 7 g. Provide for a governing body of an odd number of
7 8 members, not less than five, but which may exceed the number
7 9 of members specified in sections 331.201, 331.203, and
7 10 331.204. The titles of the members of the governing body
7 11 shall be determined by the charter.

7 12 h. Provide for a representation plan for the governing
7 13 body which representation plan may differ from the
7 14 representation plans provided in section 331.206 and in
7 15 chapter 372. If the plan calls for representation by
7 16 districts and the charter has been approved in a county whose
7 17 population is one hundred eighty thousand or more, the plan
7 18 shall be drawn pursuant to section 331.210A, subsection 2,
7 19 paragraph "f". The initial representation plan for such a
7 20 county shall be drawn as provided in section 331.210A,
7 21 subsection 2, paragraph "f", within ninety days after the
7 22 election at which the charter is approved. For the initial
7 23 representation plan, the charter commission shall assume the
7 24 role of the governing body for purposes of this paragraph and
7 25 section 331.210A, subsection 2, paragraphs "d" through "f".

7 26 i. Provide for the initial compensation for members of the
7 27 governing body and for a method of changing the compensation.

7 28 Sec. 11. Section 331.248, Code 2003, is amended by adding
7 29 the following new subsection:
7 30 **NEW SUBSECTION.** 4. The consolidation charter may include
7 31 other provisions which the commission elects to include and
7 32 which are not irreconcilable with state law. These provisions
7 33 may include but are not limited to the following:
7 34 a. Provide for a method of selecting officers of the
7 35 governing body and fixing their terms of office which may
8 1 differ from the requirements of sections 331.208 through
8 2 331.211 and the provisions of chapter 372.
8 3 b. Provide for meetings of the governing body and rules of
8 4 procedure which may differ from the requirements of section
8 5 331.213, except that the meetings shall be scheduled and
8 6 conducted in compliance with chapter 21.
8 7 c. Provide for combining the duties of elected officials
8 8 of the county, for eliminating elected offices and the
8 9 assumption of the duties of those offices by appointed
8 10 officials, and for adding to, deleting, or otherwise changing
8 11 the duties of officials, elected or otherwise, of the county
8 12 and each consolidated city.
8 13 d. Provide for the organization of city and county
8 14 departments, agencies, or boards. The organization plan may
8 15 provide for the abolition or consolidation of a department,
8 16 agency, board, or commission and the assumption of its powers
8 17 and duties by the governing body or by another department,
8 18 agency, board, or commission. This paragraph does not apply
8 19 to the board of trustees of a county hospital.
8 20 e. Provide for a method for the governing body or another
8 21 office to exercise the powers and duties of the township
8 22 trustees, in lieu of their election or appointment.

8 23 Sec. 12. Section 331.249, Code 2003, is amended to read as
8 24 follows:
8 25 331.249 EFFECT OF CONSOLIDATION.
8 26 1. a. ~~The consolidation of one or more cities and one or~~
8 27 ~~more counties shall create a unified government which includes~~
8 28 ~~a municipal corporation and a county. A city=county~~
8 29 ~~consolidated form of government under which a county and one~~
8 30 ~~or more cities within the county unite to form a single unit~~
8 31 ~~of local government shall create a unified government which~~
8 32 ~~includes a municipal corporation and a county. The~~
8 33 ~~consolidated unit shall have the separate status of a county~~
8 34 ~~and a city for all purposes and shall constitute two political~~
8 35 ~~subdivisions, a consolidated city and a county, under combined~~
9 1 ~~governance. The consolidated unit shall retain one separate~~
9 2 ~~constitutional debt limitation with respect to its status as a~~
9 3 ~~city and a separate constitutional debt limitation with~~
9 4 ~~respect to its status as a county.~~
9 5 b. ~~The governing body of a city=county consolidated form~~
9 6 ~~of government under which a county and one or more cities~~
9 7 ~~within the county form a combined governance structure shall~~
9 8 ~~have, with respect to the county, the power and authority of~~
9 9 ~~the board of supervisors of a county, and, with respect to~~
9 10 ~~each city, the power and authority of the city council of a~~
9 11 ~~city. Each consolidated city and the county constitute~~
9 12 ~~separate political subdivisions. Each consolidated city and~~

9 13 the county shall retain a separate constitutional debt
9 14 limitation and shall each have the authority to issue bonds
9 15 and incur financial obligations in accordance with the
9 16 provisions of state law applicable to a city or a county,
9 17 respectively.

9 18 2. ~~A The city=county consolidated unit of local government~~
9 19 ~~form of government~~ may include an area which is located in
9 20 another county, but which is within the corporate boundaries
9 21 of one of the consolidated cities. County services ~~shall~~ may
9 22 be provided in the extra=county area and taxes to fund those
9 23 services ~~shall~~ may be collected in the extra=county area by
9 24 the consolidated government, to the extent permitted by the
9 25 Constitution of the State of Iowa. In addition to the right
9 26 to vote in the county of residence, electors residing in the
9 27 extra=county area shall have the right to vote on any matter
9 28 related to the ~~city=county consolidated unit of local form of~~
9 29 ~~government, including election of its officials governing~~
9 30 ~~body.~~

9 31 If a city=county consolidation charter is proposed, within
9 32 ninety days following the final report of the commission, a
9 33 resident or property owner of the commission area proposed to
9 34 be consolidated may bring an action in district court for
9 35 declaratory judgment to determine the legality of the proposed
10 1 charter and to otherwise declare the effect of the charter.

10 2 The referendum on the proposed charter shall be stayed during
10 3 pendency of the action and for such additional time during
10 4 which the proposed charter or its enabling legislation does
10 5 not conform to the Constitution or laws of the State of Iowa.
10 6 If in its final judgment the court determines that the
10 7 proposed charter fails to conform to the Constitution or laws
10 8 of this state, the commission shall have a period of six
10 9 months in which to revise and resubmit the proposed charter.

10 10 3. All provisions of law authorizing contributions of any
10 11 kind, in money or otherwise, from the state or federal
10 12 government to counties and cities shall remain in full force
10 13 with respect to each city and the county comprising a ~~city=~~
10 14 ~~county consolidated local form of government.~~

10 15 4. The adoption of the city=county consolidated form of
10 16 government does not alter any right or liability of the county
10 17 or consolidated city in effect at the time of the election at
10 18 which the charter was adopted.

10 19 5. All departments and agencies of the county and of each
10 20 consolidated city shall continue to operate until their
10 21 authority to operate is superseded by action of the governing
10 22 body.

10 23 6. Upon the effective date of the adopted charter, the
10 24 county shall adopt the city=county consolidated form of
10 25 government by ordinance, and shall file a copy with the
10 26 secretary of state and maintain available copies for public
10 27 inspection.

10 28 7. Members of the governing body of the county and of each
10 29 consolidated city shall continue in office until the members
10 30 of the governing body of the city=county consolidated form of
10 31 government have been elected and sworn into office, at which
10 32 time the offices of the former governing bodies shall be
10 33 abolished, and the terms of the members of the former
10 34 governing bodies shall be terminated. During the period
10 35 between the effective date of the charter and the election and
11 1 qualification of the elected members of the new governing
11 2 body, the former governing bodies of each consolidated city
11 3 and of the county shall continue to perform their duties and
11 4 shall assist in planning the transition to the city=county
11 5 consolidated form of government.

11 6 8. If a city=county consolidation charter is submitted to
11 7 the electorate but is not adopted, another charter shall not
11 8 be submitted to the electorate for at least two years from the
11 9 date of the election at which the charter was rejected. If a
11 10 city=county consolidation charter is adopted, a proposed
11 11 charter for another alternative form of county government
11 12 shall not be submitted to the electorate for at least six
11 13 years from the date of the election at which the charter was
11 14 adopted.

11 15 Sec. 13. Section 331.250, Code 2003, is amended to read as
11 16 follows:

11 17 331.250 GENERAL POWERS OF CONSOLIDATED LOCAL GOVERNMENTS.

11 18 The consolidation charter shall provide for the delivery of
11 19 services to specified areas of the ~~consolidated local~~
11 20 ~~government county and of each consolidated city.~~ The
11 21 governing body of the consolidated government shall ~~administer~~
11 22 ~~supervise the administration of the provision of services in~~
11 23 each of the designated service areas and shall have the

11 24 authority to determine the boundaries of the service areas.
11 25 For each service provided by the consolidated government, the
11 26 consolidated government shall assume the same statutory
11 27 rights, powers, and duties relating to the provision of the
11 28 service as if the county or the member city were itself
11 29 providing the service to its citizens.
11 30 Sec. 14. Section 331.251, Code 2003, is amended to read as
11 31 follows:

11 32 331.251 RULES, ORDINANCES, AND RESOLUTIONS OF CONSOLIDATED
11 33 ~~UNIT GOVERNMENT.~~

~~11 34 Within two years after ratification of the consolidation,
11 35 the governing body of the consolidated unit of local
12 1 government shall revise, repeal, or reaffirm all rules,
12 2 ordinances, and resolutions in force within the participating
12 3 county and cities at the time of consolidation. Each rule,
12 4 ordinance, or resolution in force within a county or within a
12 5 city at the time of consolidation shall remain in force within
12 6 the former geographic jurisdiction that county or within that
12 7 city until superseded by action of the new governing body,
12 8 unless the rule, ordinance, or resolution is in conflict with
12 9 a provision of the charter, in which case, the charter
12 10 provision shall supersede the conflicting rule, ordinance, or
12 11 resolution. Ordinances and resolutions relating to public
12 12 improvements to be paid for in whole or in part by special
12 13 assessments shall remain in effect until paid in full.~~

12 14 Sec. 15. Section 331.252, Code 2003, is amended to read as
12 15 follows:

12 16 331.252 FORM OF BALLOT == CITY=COUNTY CONSOLIDATION.

12 17 The question of city=county consolidation shall be
12 18 submitted to the electors in substantially the following form:

~~12 19 Should the corporate existence and governments of the
12 20 county of and the cities of and be
12 21 consolidated into one joint city-county corporation government
12 22 charter described below be adopted for (insert name of county
12 23 and each city proposing to consolidate)?~~

~~12 24 If section 331.247, subsection 4, applies, the following
12 25 question shall be placed on the ballot of each participating
12 26 city:~~

~~12 27 Should the (name of city or second county) participate in
12 28 the consolidation charter?~~

12 29 The ballot must contain a brief description and summary of
12 30 the proposed charter ~~or amendment.~~

12 31 Sec. 16. Section 331.260, subsection 2, Code 2003, is
12 32 amended to read as follows:

~~12 33 2. A charter proposing a community commonwealth as an
12 34 alternative form of government may be submitted to the voters
12 35 only by a commission established under section 331.232. A
13 1 majority vote by the commission is required for the submission
13 2 of a charter proposing a community commonwealth as an
13 3 alternative form of local government. The commission
13 4 submitting a community commonwealth form of government shall
13 5 issue a final report and proposal. If an alternative form of
13 6 government for a community commonwealth form of local
13 7 government is proposed, approval of the commonwealth charter
13 8 shall be a separate ballot issue from approval of the
13 9 alternative form of government in those cities proposed to be
13 10 included in the commonwealth. The commonwealth charter shall
13 11 be effective in regard to a city government only if a majority
13 12 of the voters of the city voting on the question voted for
13 13 participation in the commonwealth charter. Adoption of the
13 14 proposed community commonwealth charter requires the approval
13 15 of a majority of the votes cast in the entire county. A city
13 16 named on the ballot is included in the community commonwealth
13 17 if the proposed community commonwealth charter is approved by
13 18 a majority of the votes cast in the city.~~

13 19 The question of forming a community commonwealth shall be
13 20 submitted to the electorate in substantially the same form
13 21 manner as provided in section 331.247, subsection 4, and
13 22 section 331.252.

13 23 Sec. 17. Section 331.261, subsection 2, Code 2003, is
13 24 amended to read as follows:

13 25 2. An elective legislative body established in the manner
13 26 provided for county boards of supervisors under sections
13 27 331.201 through 331.216 and section ~~331.238~~ 331.248,
13 28 subsection 2.

13 29 Sec. 18. Section 331.261, unnumbered paragraph 2, Code
13 30 2003, is amended to read as follows:

13 31 The community commonwealth charter may include other
13 32 provisions which the commission elects to include and which
13 33 are not inconsistent irreconcilable with state law, including,
13 34 but not limited to, those provisions in section 331.248,

13 35 subsection 4.

14 1 Sec. 19. Section 331.262, Code 2003, is amended by adding
14 2 the following new subsections:
14 3 NEW SUBSECTION. 1A. The adoption of the community
14 4 commonwealth form of government does not alter any right or
14 5 liability of the county or member city in effect at the time
14 6 of the election at which the charter was adopted.

14 7 NEW SUBSECTION. 1B. All departments and agencies of the
14 8 county and of each member city shall continue to operate until
14 9 their authority to operate is superseded by action of the
14 10 governing body.

14 11 NEW SUBSECTION. 1C. All ordinances or resolutions in
14 12 effect remain effective until amended or repealed, unless they
14 13 are irreconcilable with the adopted charter.

14 14 NEW SUBSECTION. 1D. Upon the effective date of the
14 15 adopted charter, the county shall adopt the community
14 16 commonwealth form of government by ordinance, and shall file a
14 17 copy with the secretary of state and maintain available copies
14 18 for public inspection.

14 19 NEW SUBSECTION. 1E. Members of the governing body of the
14 20 county and of each member city shall continue in office until
14 21 the members of the governing body of the community
14 22 commonwealth form of government have been elected and sworn
14 23 into office, at which time the offices of the former governing
14 24 bodies shall be abolished, and the terms of the members of the
14 25 former governing bodies shall be terminated. During the
14 26 period between the effective date of the charter and the
14 27 election and qualification of the elected members of the new
14 28 governing body, the former governing bodies of each member
14 29 city and of the county shall continue to perform their duties
14 30 and shall assist in planning the transition to the community
14 31 commonwealth form of government.

14 32 NEW SUBSECTION. 1F. If a community commonwealth charter
14 33 is submitted to the electorate but is not adopted, another
14 34 charter shall not be submitted to the electorate for at least
14 35 two years from the date of the election at which the charter
15 1 was rejected. If a community commonwealth charter is adopted,
15 2 a proposed charter for another alternative form of county
15 3 government shall not be submitted to the electorate for at
15 4 least six years from the date of the election at which the
15 5 charter was adopted.

15 6 Sec. 20. Section 372.1, Code 2003, is amended by adding
15 7 the following new subsections:

15 8 NEW SUBSECTION. 7. City=county consolidated form as
15 9 provided in sections 331.247 through 331.252.

15 10 NEW SUBSECTION. 8. Community commonwealth as provided in
15 11 sections 331.260 through 331.263.

15 12 Sec. 21. Section 372.2, unnumbered paragraph 1, Code 2003,
15 13 is amended to read as follows:

15 14 ~~* Unless otherwise provided by law, a city may adopt a~~
15 15 ~~different form of government not more often than once in a~~
15 16 ~~six-year period. A different form, other than a home rule~~
15 17 ~~charter, or special charter, city=county consolidated form of~~
15 18 ~~government, or community commonwealth must be adopted as~~

15 19 follows:

15 20 Sec. 22. EFFECTIVE AND APPLICABILITY DATES. This Act,
15 21 being deemed of immediate importance, takes effect upon
15 22 enactment and applies to charter commissions in existence on
15 23 the effective date of this Act.

15 24 EXPLANATION

15 25 This bill makes technical and substantive changes to the
15 26 law relating to alternative forms of county government and to
15 27 certain alternative forms of city government.

15 28 The bill provides that if a charter proposing a city=county
15 29 consolidated form or a community commonwealth form is adopted,
15 30 the charter commission is dissolved on the date on which the
15 31 terms of office of the members of the governing body commence.

15 32 The bill provides that the general Code provisions relating
15 33 to the election on a proposed charter for an alternative form
15 34 of county government and the effect of adoption of the
15 35 proposed charter by the electorate do not apply to city=county
16 1 consolidations or to community commonwealths. The bill enacts
16 2 similar provisions relating to the effect of adoption of the
16 3 charter in those sections of the Code that relate specifically
16 4 to city=county consolidations and to community commonwealths.

16 5 The bill also provides that the general Code provisions
16 6 relating to limitations on the alternative forms of county
16 7 government do not apply to city=county consolidations or to
16 8 community commonwealths. The bill enacts provisions similar
16 9 to the limitations provisions in those sections of the Code
16 10 that relate specifically to city=county consolidations and to

16 11 community commonwealths.

16 12 The bill provides that a city=county consolidation charter
16 13 may provide for the merger of a county and participating
16 14 cities into a single unit of local government which includes a
16 15 municipal corporation and a county or may provide for a
16 16 combined government structure of a county and one or more
16 17 participating cities, each of which would remain separate
16 18 political subdivisions. Either form would allow the county
16 19 and participating cities to retain a separate debt limitation
16 20 for purposes of the limitation imposed by the state
16 21 constitution.

16 22 Current law provides that if more than 50 percent of a
16 23 city's population resides in a county creating a city=county
16 24 consolidation charter commission, the city will be included on
16 25 the commission. The bill provides for such a city's inclusion
16 26 even if the population of the city falls below the 50 percent
16 27 threshold at a later date.

16 28 The bill provides that a petition to join a city=county
16 29 consolidated government requires signatures in an amount equal
16 30 to 25 percent of the persons voting at the last regular city
16 31 election, rather than at the general election. After
16 32 receiving a petition calling for participation, the city
16 33 council must adopt a resolution and forward it to the city=
16 34 county consolidated governing body within ten days of
16 35 adoption, rather than immediately.

17 1 The bill provides for amendment of a city=county
17 2 consolidation charter by resolution of the governing body and
17 3 approval of the electorate, or by ordinance of the governing
17 4 body which ordinance may be petitioned for approval by
17 5 referendum, or by petition and election. For all other types
17 6 of alternative forms, current Code provides that an amendment
17 7 to county government organization may be made by submitting
17 8 the question at election by resolution of the governing body
17 9 or by petition.

17 10 The bill provides that a city=county consolidation charter
17 11 shall provide for a governing body of not less than five
17 12 members and for the initial compensation for the members and
17 13 for a method of changing the compensation. The bill also
17 14 provides that the charter shall provide for a representation
17 15 plan for the governing body which may differ from the
17 16 representation plans in current Code for counties and cities.

17 17 The bill further provides that if a county has adopted a
17 18 charter for city=county consolidation form or community
17 19 commonwealth form that provides for representation by
17 20 districts and the county's population exceeds 180,000, the
17 21 county's initial plan for districts, and its first plan for
17 22 districts after each federal decennial census, shall be drawn
17 23 by the legislative service bureau. The temporary county
17 24 redistricting commission is to review the plan and may request
17 25 that a second plan be prepared by the legislative service
17 26 bureau. If the plan drawn by the legislative service bureau
17 27 and submitted by the temporary county redistricting commission
17 28 is rejected by the governing body, the governing body shall
17 29 direct the temporary county redistricting commission to
17 30 prepare another plan as provided by current law.

17 31 The bill provides that the governing body of a city=county
17 32 consolidated government shall supervise the administration of
17 33 services in designated service areas.

17 34 The bill strikes language relating to city=county
17 35 consolidation that required the governing body, within two
18 1 years of ratification of the charter, to revise, repeal, or
18 2 reaffirm all rules, ordinances, and resolution in force at the
18 3 time of consolidation and instead provides that each rule,
18 4 ordinance, and resolution shall remain in force unless
18 5 superseded by action of the governing body or superseded by a
18 6 charter provision.

18 7 The bill amends the form of the ballot to present only one
18 8 question on adoption of the city=county consolidation
18 9 government and its charter. The bill provides that these
18 10 provisions also apply to community commonwealth proposed
18 11 charters.

18 12 The bill provides that if a city=county consolidation
18 13 charter or a community commonwealth charter is rejected by the
18 14 electorate, another charter shall not be submitted to the
18 15 electorate for at least two years after the election at which
18 16 the charter was rejected. If a charter for either form of
18 17 government is adopted, a proposed charter for another
18 18 alternative form of government shall not be submitted to the
18 19 electorate for at least six years from the date of the
18 20 election at which the charter was adopted.

18 21 The bill adds city=county consolidation and community

18 22 commonwealth as a form of city government listed in the city
18 23 part of the Code. Because the procedure for adopting these
18 24 types of city-county governments are already in the county
18 25 chapter of the Code, the bill removes them from the
18 26 requirements of changing the form of government in the city
18 27 part of the Code.
18 28 The bill takes effect upon enactment and applies to charter
18 29 commissions in existence on the effective date of the bill.
18 30 LSB 1725SC 80
18 31 sc/sh/8